REMARKS

Claims 1-24 are pending in the application. Claims 1 and 13 are the independent claims.

The Claims Are Not Anticipated by Reilly

The Office has rejected independent claims 1 and 13 under 35 U.S.C. § 102(b) as being anticipated by Reilly (U.S. Patent No. 5,740,549). Applicant respectfully traverses this rejection, and submits that each pending claim is patentably distinguishable over Reilly.

In order for a claim to be anticipated under 35 U.S.C. § 102, the reference must disclose, either expressly or inherently, each and every element as set forth in the claim. M.P.E.P. § 2131. Such anticipation does not occur in the instant application, however, because Reilly fails to disclose each and every element as set forth in the pending claims for at least the following reasons.

Reilly Does Not Teach or Suggest a Direct Connect Server Receiving Creative Selection Criteria From a Content Server

Independent claim 1 recites, in part, "wherein the direct connect server receives creative selection criteria from the content server." Reilly neither teaches nor suggests such a limitation.

In the Office action, the Office states that this limitation is met by equating the content server as claimed with the application server of Reilly (FIG. 11, item 272), and the direct connect server as claimed with the information server of Reilly (FIG. 11, item 104). Applicant respectfully traverses the Office's analysis because in Reilly, the information server 104 does not receive anything, much less creative selection criteria, from the application server 272; in fact, as FIG. 11 illustrates, the label "information server" merely represents a router 270, application servers 272 and data servers 274.

Accordingly, for at least this reason, Reilly does not anticipate independent claim 1. Furthermore, as each of dependent claims 2-12 depend from and further limit claim 1, Applicant respectfully submits that for at least the same reason as above claims 2-12 are also not anticipated by Reilly under 35 U.S.C. § 102.

Reilly Does Not Teach or Suggest a Direct Connect Server Connected To a Public Network Separately from a Creative Selection Server

Independent claim 13 recites, in part, "a direct connect server connected to public network separately from the creative selection server." Reilly neither teaches nor suggests such a limitation.

In the Office action, the Office states that this limitation is met by equating the direct connect server as claimed with the information server of Reilly (FIG. 11, item 104), and the creative selection server as claimed with the data server of Reilly (FIG. 11, item 274).[1] Applicant respectfully traverses the Office's analysis because in Reilly, the information server 104 is not connected to a public network separately from the data server 274; in fact, as FIG. 11 illustrates, the label "information server" actually represents a router 270, application servers 272 and data servers 274.

Accordingly, for at least this reason, Reilly does not anticipate independent claim 13. Furthermore, as each of dependent claims 14-24 depend from and further limit claim 13, Applicant respectfully submits that for at least the same reason as above claims 14-24 are also not anticipated by Reilly under 35 U.S.C. § 102.

The Claims Are Non-Obvious Over Reilly in View of Ballard

The Office action rejects dependent claims 8 and 15 under 35 U.S.C. 103(a) as being unpatentable over Reilly in view of Ballard (U.S. Patent No. 6,182,050 B1). Applicant respectfully submits that the Office action does not establish a *prima facie* case of obviousness, because the suggestions or motivations provided by the Office action do not cure the deficiencies of Reilly (the 35 U.S.C. § 102 art) as explained above.

Accordingly, Applicant submits that all of the pending claims, independent and dependent, are non-obvious over Reilly in view of Ballard under 35 U.S.C. § 103.

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[1] The Office action appears to incorrectly reject claim 12 as an independent claim rather than claim 13.

CONCLUSION

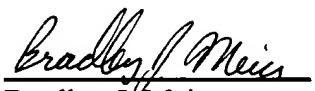
It is respectfully submitted that, in view of the foregoing remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

The Office is authorized to charge the one-month extension of time fee of $110.00 to Deposit Account No. 11-0600; a copy of this page is provided for this purpose. Although not believed necessary, the Office is hereby authorized to charge any additional fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

Dated: October 12, 2004



Bradley J. Meier
(Reg. No. 44,236)

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
(202) 220 - 4200 (telephone)
(202) 220 - 4201 (facsimile)